THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.1825 OF 2007

DATED: 19-02-2007

BETWEEN

Tanniru Venkateswarlu,
S/o. Penchalaiah,
R/o. Thippannavari Veedi,
Padalakuru Village & Mandal,
Nellore District.

...PETITIONER

AND

The Superintendent of Police,
Nellore District, Dargamitta,
Nellore and others.

...RESPONDENTS

ORDER:

The grievance of the petitioner is that the respondents 2 and 3 are calling him to the police station and demanding him to pay a sum of Rs.3,00,000/- to the fourth respondent, Rs.3,50,000/- to the fifth respondent and Rs.4,50,000/- to the sixth respondent, which is illegal and arbitrary and violation of Articles 14 and 21 of the Constitution of India.

2. Learned counsel for the petitioner submits that petitioner is running a fancy and hardware shop and due to business necessities, he obtained private loans from one Sri Pandurangaiah, who is the father of the fourth respondent and also obtained loans from respondents 5 and 6 and executed pronotes. But they have obtained the signatures of the petitioner on blank pronotes and filled the same with higher amounts and demanding to make

payments. Though the said money transactions are purely civil in nature, the respondents 2 and 3 are sending constables to the house of the petitioner and demanding to make payments immediately otherwise to face dire consequences, which action is illegal and arbitrary.

3. This Court on 02.02.2007 directed the learned Government Pleader for Home to get instructions. Pursuant to which, the Government Pleader obtained written instructions stating that, in fact, the petitioner submitted a representation on 28.01.2007 with regard to the illegality committed by respondents 2 and 3 and the said representation was forwarded to the Sub-Divisional Police Officer, Atmakur to conduct enquiry and report. The enquiry report of the Sub-Divisional Police Officer revealed that on 21.01.2007 one Akula Samrajyamma W/o. Pandurangaiah and mother of the fourth respondent presented a petition to the Sub-Inspector of Police, Podalakur, stating that her husband, after receiving pensionary benefits, gave loan for an amount of Rs.80,000/- and Rs.2,63,000/- to the petitioner on 15.12.2003 and 21.05.2005 respectively and as they had to perform the marriage of her daughter, she approached the petitioner requesting him to repay the amount due, but the petitioner denied to repay the loan amount and abused her in filthy language. The said petition was gone through and the contents of it were entered in the General Diary on the same day i.e. 21.01.2007. However, the mother of the fourth respondent was advised to file a civil suit before the competent Court as the matter is civil in nature, but the petitioner was never called to the police station nor police personnel were sent to his house and they never interfered with the life and liberty of the petitioner. It is further stated that only with a view to evade any action to be taken by the S.I. of police, Podalakur based on the aforesaid representation the petitioner filed the representation dated 28.01.2007 in anticipation that the police may taken action against him.

4. In view of the aforesaid instructions that the respondents 2 and 3 never interfered with the civil disputes of the petitioner and as no case is pending

against the petitioner, I am not inclined to express any opinion on the allegations of the petitioner. However, if there is any excessive action on the part of the official respondents, it is always open to the petitioner to file a private complaint under Section 200 read with 190 of the Code of Criminal Procedure, 1973, before the concerned Magistrate, for taking appropriate action.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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V. ESWARAIAH, J

February 19, 2007
DSK